

## DESIGNATED POSITIONS

### GOVERNED BY THE CONFLICT OF INTEREST CODE

<u>DESIGNATED EMPLOYEES'</u> <u>TITLE OR FUNCTION</u>	<u>DISCLOSURE CATEGORIES</u> <u>ASSIGNED</u>
Assistant Superintendent, Curriculum & Instruction	6
Director of Child Care	6
Director of <del>Facilities and Planning</del> <u>Human Resources/Facility Planning</u>	1, 2
Director of Fiscal Services	1, 2
Director of Pupil Services	6
Director of Technology	6
General Counsel	1, 2
Maintenance Supervisor	6
Principal (ALL)	6
Consultant <sup>5</sup>	

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<sup>5</sup> Consultants shall be included in the list of Designated Employees and shall disclose pursuant to the broadest disclosure category in this Code subject to the following limitation:

The District Superintendent may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that are limited in scope and thus is not required to fully comply with the disclosure requirements described in this Section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The District Superintendent's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

## **EXHIBIT "B"**

### **DISCLOSURE CATEGORIES**

The disclosure categories listed below identify the types of investments, business entities, sources of income, or real property which the Designated Employee must disclose for each disclosure category to which he or she is assigned.

Category 1: All investments and business positions in, and sources of income from, business entities that do business or own real property within the jurisdiction of the District, plan to do business or own real property within the jurisdiction of the District within the next year, or have done business or owned real property within the jurisdiction of the District within the past two (2) years.

Category 2: All interests in real property which is located in whole or in part within, or not more than two (2) miles outside, the jurisdiction of the District.

Category 3: All investments and business positions in, and sources of income from, business entities that are engaged in land development, construction or the acquisition or sale of real property within the jurisdiction of the District, plan to engage in such activities within the jurisdiction of the District within the next year, or have engaged in such activities within the jurisdiction of the District within the past two (2) years.

Category 4: All investments and business positions in, and sources of income from, business entities that are banking, savings and loan, or other financial institutions.

Category 5: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the District.

Category 6: All investments and business positions in, and sources of income from, business entities that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the Designated Employee's Department.

# APPENDIX

COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS

2004 OCT 20 AM 8:41

THOMAS J. PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

## CONFLICT OF INTEREST CODE

### OF THE

### DEL MAR UNION SCHOOL DISTRICT

(Amended December 13, 2000)<sup>3</sup>

## EXHIBIT "A"

### OFFICIALS WHO MANAGE PUBLIC INVESTMENTS

District Officials who manage public investments, as defined by 2 Cal. Code of Regs. § 18701(b), are NOT subject to the District's Code, but are subject to the disclosure requirements of the Act. (Government Code Section 87200 et seq.). [Regs. § 18730(b)(3)] These positions are listed here for informational purposes only.

It has been determined that the positions listed below are officials who manage public investments<sup>4</sup>:

Members of the Board of Trustees

District Superintendent

Financial Consultants

<sup>3</sup> Updated titles effective October 18, 2004.

<sup>4</sup> Individuals holding one of the above-listed positions may contact the FPPC for assistance or written advice regarding their filing obligations if they believe that their position has been categorized incorrectly. The FPPC makes the final determination whether a position is covered by § 87200.

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# Regulations of the Fair Political Practices Commission

## TITLE 2, DIVISION 6, CALIFORNIA CODE OF REGULATIONS

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### 18752. Nonsubstantive Amendments of Conflict of Interest Codes

(a) A state agency or a local government agency with jurisdiction in more than one county may make nonsubstantive alterations of a conflict of interest code for its agency.

(b) No alteration of a conflict of interest code shall be deemed nonsubstantive until the agency has requested and received prior written approval from the Executive Director of the Fair Political Practices Commission, or his or her designee, to classify the alteration as nonsubstantive.

(c) Each request for a nonsubstantive alteration shall be in writing and shall be accompanied by:

(1) The conflict of interest code for the agency showing the proposed nonsubstantive amendments in strikeout/underscore format;

(2) A brief description of the proposed amendments; and

(3) A declaration by the chief executive officer of the agency declaring that the code specifically enumerates each of the positions within the agency which involve the making or participation in the making of decisions which may foreseeably have a material financial effect on any financial interest.

(d) The Executive Director, or his or her designee, shall respond in writing to each request for interim approval within 30 calendar days of receipt.

(e) Nonsubstantive alterations of conflict of interest codes shall be limited to the following:

(1) The reclassification or renaming of previously designated positions, provided no designated positions are created and provided no existing disclosure responsibilities are modified;

(2) The deletion of a position for which the classification has been abolished by the agency;

(3) The addition, deletion or modification of definitional or operational provisions of a conflict of interest code in conformity to a statutory amendment, a regulation of the Fair Political Practices Commission, a decision of the California Supreme Court, or a final decision of a California Court of Appeal; or

(4) The modification of any provision of a conflict of interest code, provided no disclosure or disqualification obligation of any designated employee is disturbed thereby.

(f) Nonsubstantive amendments to a state agency conflict of interest code which have been approved by the Executive Director or his or her designee shall be transmitted within 30 days by the agency to the Office of Administrative Law for filing with the Secretary of State without further review pursuant to Article 6 (commencing with Section 11349) of Chapter 3.5 of Division 1 of Title 2 of the Government Code. When the agency files the nonsubstantive amendments with the Office of Administrative Law, it shall:

(1) Indicate that it is transmitting a conflict of interest code approved by the Fair Political Practices Commission for filing; and

(2) Request that the Office of Administrative Law publish the code in its entirety, or request that the Office of Administrative Law print an appropriate reference to the agency's code in its title of the California Code of Regulations.

(g) The nonsubstantive amendments to the conflict of interest code shall become effective on the thirtieth day after approval by the Executive Director or his or her designee or in the case of a state agency, the thirtieth day after the date of filing with the Secretary of State.

Note: Authority: Section 83112, Gov. Code

Reference: Section 87306, Gov. Code

#### History

(1) New section filed 6-3-77; effective thirtieth day thereafter.

(2) Amendment of subsection (a) filed 4-28-82; effective thirtieth day thereafter.

(3) Amendment filed 1-11-83; effective thirtieth day thereafter.

(4) Amendment filed 4-21-92; effective thirtieth day thereafter.

**BEST BEST & KRIEGER LLP**

A CALIFORNIA LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATION

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SAN DIEGO  
BOARD OF SUPERVISORS

2004 OCT 20 AM 8:41

THOMAS J. PASTUSZKA  
CLERK OF THE BOARD  
OF SUPERVISORS

SAN DIEGO  
(619) 525-1300  
ORANGE COUNTY  
(949) 263-2600  
SACRAMENTO  
(916) 325-4000

October 18, 2004

Evelyn Lam, Deputy Clerk  
Board of Supervisors  
County of San Diego  
1600 Pacific Highway  
Room 402  
San Diego, CA 92101

Re: Del Mar Union School District - Nonsubstantive Amendment  
of the Appendix of the Conflict of Interest Code

Dear Evelyn:

The Del Mar Union School District (the "District") has reclassified the position of *Director of Facilities and Planning*. The title of this position was formally changed to *Director of Human Resources/Facility Planning* on November 20, 2002. (See Superintendent's memo to the Board, enclosed.)

The District hereby requests approval of the revision of the Appendix of its Conflict of Interest Code to reflect this change. As shown in the enclosed legislative version of the Appendix, this amendment was done to only revise the title of an existing designated position and not change or modify the disclosure requirements of this position. This type of revision is considered a nonsubstantive amendment, as described in 2 Cal. Code Regs. §18751 (e)(1). (Copy enclosed.)

Please let me know when this amendment is set for approval by the Board or Administrative Officer. I would also like to receive a copy of the County's order of approval.

For your records, I have also enclosed a clean, final copy of the amended Appendix.



LAW OFFICES OF  
BEST BEST & KRIEGER LLP

Evelyn Lam, Deputy Clerk  
Board of Supervisors  
County of San Diego  
October 18, 2004

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As always, please feel free to call me if you or County Counsel have any questions regarding the enclosed.

Sincerely,



Dianna Marie Valdez  
Public Law Paralegal  
for BEST BEST & KRIEGER LLP  
General Counsel  
Del Mar Union School District

:dmv

Encls: Superintendent's Memo to Board  
Legislative Version of Amended Appendix  
Final Version of Amended Appendix  
FPPC Reg §18751

*Regular Board Meeting of November 20, 2002*

November 20, 2002

To: Board Members

From: Tom Bishop

Subject: Update on the Hiring Process for the Director of Human Resources  
and the Director of Facility Planning

The District is pleased to announce the appointment of Rodger Smith to the position of Director of Human Resources/Facility Planning.

**FISCAL IMPACT:** Funding for this position has been included in the  
2002-2003 District Budget.

**RECOMMENDED:** For Information Only.

8.3

*Regular Board Meeting of November 20, 2002*

# **LEGISLATIVE VERSION** **APPENDIX**

## **CONFLICT OF INTEREST CODE** **OF THE** **DEL MAR UNION SCHOOL DISTRICT** **(Amended December 13, 2000)<sup>3</sup>**

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Financial Consultants<sup>5</sup>

<sup>3</sup> Updated titles effective ~~August 21, 2002~~ October 18, 2004.

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